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In re Application of: MILLER, Peter, Anthony :
U.S. Application No.: 09/646,764 :
PCT No.: PCT/AU98/00199 :
International Filing Date: 26 March 1998 :
Priority Date: None :
Attorney's Docket No.: None :
For: A COST-EFFECTIVE BEER BREWING :
PROCESS :

DECISION ON RENEWED
PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
(37 CFR 1.181)

In a decision mailed on 26 August 2003, this office dismissed applicant's petition to withdraw the holding of abandonment for failure to satisfy the requirements of a grantable petition demonstrating the failure to receive the Notification Of Missing Requirements mailed 03 May 2001. The decision also stated that applicant's previously submitted, partial declaration did not satisfy the requirements of 37 CFR 1.497 and 37 CFR 1.63, and that the mailing of the Notification Of Missing Requirements on 03 May 2001 was therefore appropriate.

On 03 September 2003, applicants filed a response to the previous decision, treated herein as a renewed petition. The response repeats applicant's assertion that the Notification Of Missing Requirements was not received, and also states that the accompanying Notification Of A Defective Oath Or Declaration (Form PCT/RO/917) was not received. Applicant's response also asserts, without support, that the partial declaration previously filed complies with 37 CFR 1.497.¹

Based on applicant's statements and a review of the application file, it is concluded that the Notification Of Missing Requirements and Notification Of A Defective Oath Or Declaration may not have been properly mailed on 03 May 2001. Accordingly, these Notifications are hereby **VACATED**.

The Notification Of Abandonment mailed 15 November 2002, based as it was on applicant's failure to respond to the now vacated Notification Of Missing Requirements, is therefore also appropriately **VACATED**.

¹ The response includes another copy of the partial declaration, though this copy is partially modified from that previously filed. However, this facsimile copy is illegible, and remains incomplete. Thus, applicant has still not submitted a complete, acceptable declaration.

The present application is therefore no longer abandoned. However, applicant still has not submitted a proper declaration in compliance with 37 CFR 1.497 or the \$65 surcharge for filing this declaration later than thirty months after the priority date.

Applicant is given **TWO (2) MONTHS** from the mail date of this decision to file a proper and complete declaration and the required surcharge. Failure to file a timely response will result in the application becoming abandoned.

A courtesy copy of a complete declaration form is included with this decision, to assist applicant in filing an acceptable response.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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